



CITY OF DULUTH
Planning Division

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STAFF REPORT

File Number	PL 14-042	Contact	Jenn Reed Moses, jmoses@duluthmn.gov	
Application Type	Variance	Planning Commission Date	June 10, 2014	
Deadline for Action	Application Date	April 11, 2014	60 Days	June 10, 2014
	Date Extension Letter Mailed	April 22, 2014	120 Days	August 9, 2014
Location of Subject	30 E 9th St			
Applicant	Jason Lindelof	Contact	lindelof02@gmail.com	
Agent		Contact		
Legal Description	010-1350-06290			
Site Visit Date	N/A	Sign Notice Date	May 27, 2014	
Neighbor Letter Date	April 24, 2014	Number of Letters Sent	60	

Proposal

Applicant would like to make improvements to the existing house, which is 2 feet from the front property line and thus needs a variance from the front yard setback of 25 feet.

	Current Zoning	Existing Land Use	Future Land Use Map Designation
Subject	R-1	Residential	Traditional Neighborhood
North	R-1	Residential	Traditional Neighborhood
South	R-1	Residential	Traditional Neighborhood
East	R-1	Residential	Traditional Neighborhood
West	R-1	Residential	Traditional Neighborhood

Summary of Code Requirements (reference section with a brief description):

50-14.5 - Front yard setback is 25 feet.

50-37.9.C. - General Variance Criteria (paraphrased here): Granting of variances of any kind is limited to situations where, due to characteristics of the applicant's property, enforcement of the ordinance would cause the landowner practical difficulties or undue hardship. The Planning Commission must find the following for a variance to be granted: a) That they are proposing to use the property in a reasonable manner, b) that the need for relief from the normal regulations is due to circumstances unique to the property and not caused by the landowner, c) that granting the variance will not alter the essential character of the area, d) that granting the variance is consistent with the intent of the UDC and the Comprehensive Plan.

III. N-1

Comprehensive Plan Findings (Governing Principle and/or Policies) and Current History (if applicable):

Principle #5 - Strengthen neighborhoods.

Future Land Use - Traditional Neighborhood: Characterized by grid or connected street pattern, houses oriented with shorter dimension to the street and detached garages, some with alleys. Limited commercial, schools, churches, and home-businesses. Parks and open space areas are scattered through or adjacent to the neighborhood. Includes many of Duluth's older neighborhoods, infill projects and neighborhood extensions, and new traditional neighborhood areas.

Discussion (use numbered or bullet points; summarize and attach department, agency and citizen comments):

Staff finds that:

- 1.) House was built in 1908 and is 2 feet from the property line. Applicant is proposing to stay within the footprint of the existing house; no expansion or addition will be constructed.
- 2.) Because of damage incurred by a fire, the house was condemned for demolition in 2009. Applicant has been making improvements to the house, and has completed inspections for plumbing and electrical rough-in. Before pulling permits to complete the reconstruction, applicant must receive a variance to the 25 foot front yard setback.
- 3.) According to UDC Section 50-37.9.M, a variance may be granted to permit the reconstruction of a nonconforming building if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city.
- 4.) Use of the property as a single-family home is a reasonable use in the R-1 district. Granting the variance will not alter the essential character of the area. The need for variance is not due to circumstances caused by the landowner.
- 5.) No City, agency, or other comments have been received.
- 6.) Per UDC Sec. 50-37.1.N, approved variances lapse if the project or activity authorized by the permit or variance is not begun within 1 year.

Staff Recommendation (include Planning Commission findings, i.e., recommend to approve):

Based on the above findings, Staff recommends that Planning Commission approve the variance to make improvements to the existing house 2 feet from the property line, subject to the following conditions:

- 1.) Improvements are allowed only within the existing house footprint and size.
- 2.) Any alterations to the approved plans that do not alter major elements of the plan may be approved by the Land Use Supervisor without further Planning Commission approval; however, no such administrative approval shall constitute a variance from the provisions of Chapter 50.

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Attachments (aerial photo with zoning; future land use map; site plan; copies of correspondence)



City Planning

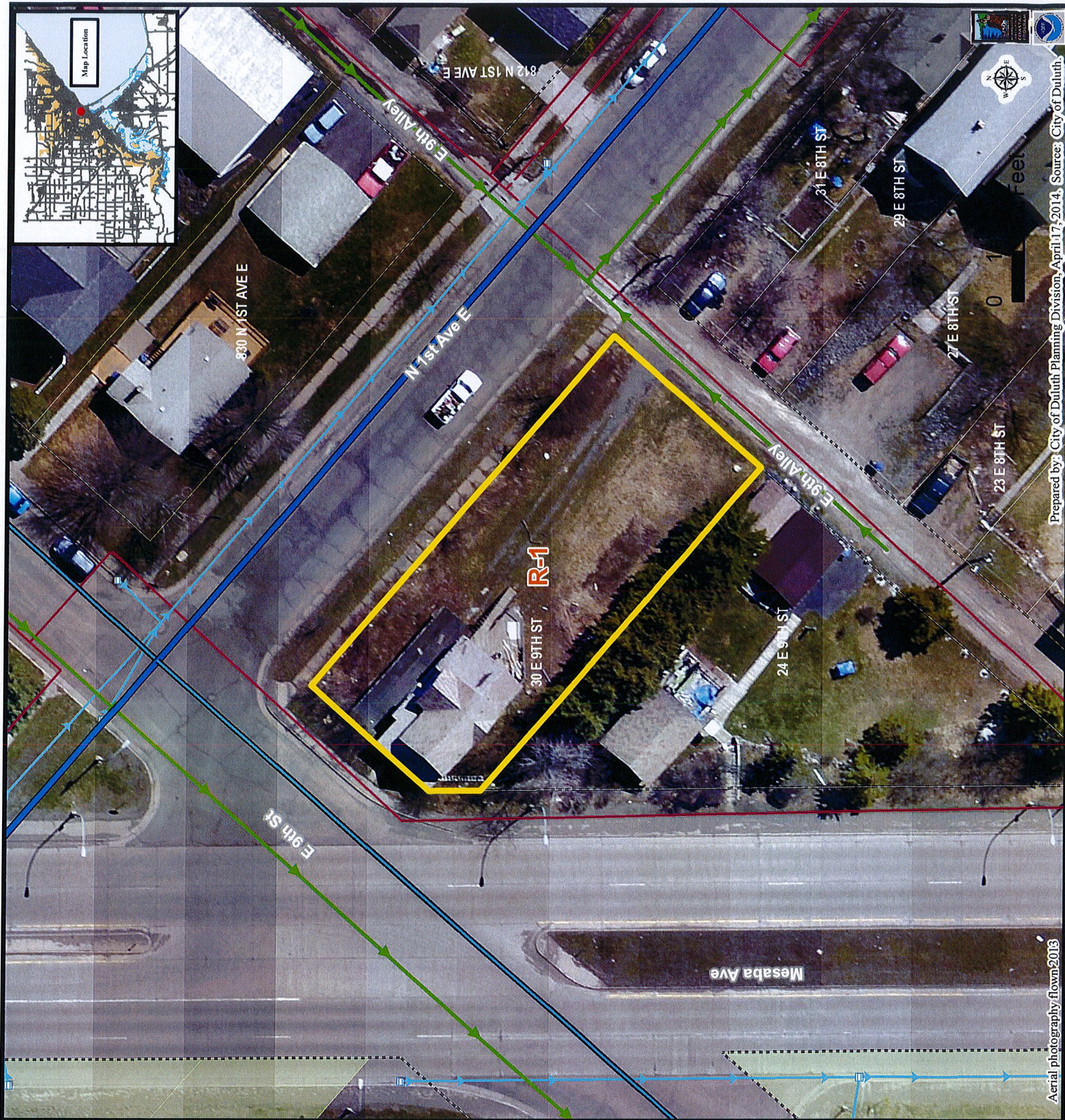
PL 14-042
Variance
30 E 9th St

Legend

- Zoning Boundaries
- Stream Type**
 - Trout Stream (GPS)
 - Other Stream (GPS)
- Water Distribution System**
 - 30 - 60" Water Pipe
 - 16 - 24" Water Pipe
 - 4 - 6" Water Pipe
- Sanitary Sewer Collection System**
 - Sanitary Sewer Collector
 - Sanitary Sewer Interceptor
 - Sanitary Sewer Forced Main
- Storage Basin
- Pump Station
- Gas Distribution Main**
 - 8" - 16" Gas Pipes
 - 4" - 6" Gas Pipes
 - 0" - 4" Gas Pipes
- Storm Sewer Collection System**
 - Storm Sewer Pipe
 - Storm Sewer Catch Basin
 - Discharge Points
- Right-of-Way Type**
 - Road or Alley ROW
 - Vacated ROW
- Easement Type**
 - Utility Easement
 - Other Easement
- Floodplain Type**
 - General Flood Plain
 - Flood Way
 - Flood Fringe

The City of Duluth has tried to ensure that the information contained in this map or electronic document is accurate. The City of Duluth makes no warranty or guarantee concerning the accuracy or reliability. This drawing/data is neither a legally recorded map nor a survey and is not intended to be used as one. The drawing/data is a compilation of records, information and data located in various City, County and State offices and other sources affecting the area shown and is to be used for reference purposes only. The City of Duluth shall not be liable for errors contained within this data provided or for any damages in connection with the use of this information contained within.

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Aerial photography flown 2013

Prepared by: City of Duluth Planning Division, April 17, 2014, Source: City of Duluth

The house in question at 30 e 9th st in Duluth MN has been located on the foundation since 1902. This house has been a part of the community for over 100 years. I bought the house and became a community member in January of 2006. In September of 2009 the house burned until the fire department arrived. The house was considered a total loss by the insurance. Since that fire in 2009 I have been trying to fix my house to make it livable again. I have spent tens of thousands of dollars and hundreds of hours of my time to make this come true. In 2010 I received a stay of demolition from the building inspector so I could begin construction. I have undergone many setbacks due to many factors such as theft of my electrical wiring and tools. Setbacks have cost me a lot of time and money causing the reinstatement of the demolition order. The new procedures set in place require that I now apply for a variance in order to continue construction. At this time the house has new windows, electrical wiring and plumbing. They have both passed inspection.

I am requesting a variance based on:

50-37.9.ML: a variance may be granted to permit the reconstruction of a nonconforming building that has been damaged from any cause or has deteriorated to the extent of more than 50% of its reproduction value, if the commission determines that it is necessary for the preservation and enjoyment of a substantial property right and is not detrimental to the public welfare of the city.

I do not believe that finishing this house would be a detriment to the community but will be a benefit. No longer will a dwelling be sitting on land with no persons inside. In fact by allowing the reconstruction of this property. Property owners around this house will see an increase in property values. I have also included copies of some of the receipts I have collected along the way during construction. These receipts add up to thousands of dollars and hundreds of hours of my time.

I have attached pictures of the house after the fire and now to show some of the work that has been completed. Also included are pictures outside off the

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house. These pictures help display how close the front of the house is to the street.

The front yard setback is 25ft. I am requesting a front yard setback of 2ft to enable me to pull permits once again. Thank you for your time and consideration on this issue.

30 E 9th Street

Site Photos



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